

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2919

To amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1993

Mr. KENNEDY introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Indoor Air Act of  
5       1993”.

6       **SEC. 2. AMENDMENT OF PUBLIC HEALTH SERVICE ACT.**

7       The Public Health Service Act is amended by adding  
8       the following new title at the end thereof:

1       **“TITLE XXVII—NATIONAL INDOOR AIR**  
2                               **STRATEGY**

3       **“SEC. 2701 STRATEGY.**

4           “Not later than 2 years after the enactment of this  
5 title, the Administrator shall, in coordination with other  
6 appropriate agencies, promulgate a national strategy to  
7 reduce human exposure to indoor air pollutants.

8       **“SEC. 2702. GUIDELINES FOR IDENTIFYING AND PREVENT-**  
9                               **ING INDOOR AIR HAZARDS.**

10          “(a) LIST.—(1) Not later than 2 years after the en-  
11 actment of this title, the Administrator shall promulgate  
12 a list of common indoor air hazards.

13          “(b) GUIDELINES.—Not later than 2 years after the  
14 enactment of this title, the Administrator shall promulgate  
15 guidelines for identifying, eliminating, and preventing  
16 those indoor air hazards listed under subsection (a). Such  
17 guidelines shall include guidelines for both the operation  
18 and maintenance of existing buildings and the design and  
19 construction of new buildings. Such guidelines may also  
20 include guidelines for building renovation and sources of  
21 indoor air pollution, and such other guidelines as nec-  
22 essary to identify, eliminate, or prevent indoor air hazards  
23 listed under subsection (a). Compliance with such guide-  
24 lines shall be voluntary unless the Administrator deter-  
25 mines otherwise.

1       “(c) REVIEW AND REVISION.—The Administrator  
2 shall periodically review and, as necessary, revise the list  
3 of indoor air hazards and the guidelines. At a minimum,  
4 one such review and revision shall be completed not later  
5 than 4 years after the initial promulgation of the list and  
6 guidelines.

7       **“SEC. 2703. INDOOR AIR CONTRACTORS.**

8       “(a) ACCREDITATION.—Not later than 2 years after  
9 the enactment of this title, the Administrator shall estab-  
10 lish a program to accredit persons to train individuals in  
11 the identification, elimination, and prevention of indoor air  
12 hazards. At a minimum, such program shall require ac-  
13 credited persons to provide training on compliance with  
14 the guidelines established under section 2702.

15       “(b) CERTIFICATION.—Not later than 2 years after  
16 the enactment of this title, the Administrator shall estab-  
17 lish a program to certify indoor air contractors. At a mini-  
18 mum, no person may be certified as an indoor air contrac-  
19 tor unless—

20               “(1) such person demonstrates an ability to  
21 comply with the guidelines established under section  
22 2702; and

23               “(2) all individuals engaged in indoor air haz-  
24 ard identification, elimination, or prevention on be-  
25 half of such person complete a course of training

1 with an accredited training provider under sub-  
2 section (a).

3 Persons certified under this subsection shall comply with  
4 such guidelines when engaged in the identification, elimi-  
5 nation, or prevention of listed indoor air hazards.

6 “(c) FEES.—The Administrator shall impose an an-  
7 nual fee for the accreditation and certification of persons  
8 under this section. The fee shall be established at such  
9 level as is necessary to cover the costs of administering  
10 the accreditation and certification programs under this  
11 section. Such fees shall be structured such that a person’s  
12 liability for such fees is reasonably based on the proportion  
13 of the program’s operating costs that relate to such per-  
14 son, and such person’s liability for such fees shall not be  
15 based on the income of such person.

16 “(d) SUSPENSION OR REVOCATION.—The Adminis-  
17 trator may suspend or revoke any accreditation or certifi-  
18 cation issued under this section whenever the Adminis-  
19 trator determines that the holder of the accreditation or  
20 certification has violated any requirement of this section.  
21 Any person whose accreditation or certification is denied,  
22 suspended, or revoked by the Administrator shall be enti-  
23 tled to an administrative hearing.

1       “(e) PARTICIPATION.—Participation in the certifi-  
2 cation program under this section shall be voluntary un-  
3 less the Administrator determines otherwise.

4       **“SEC. 2704. NATIONAL PUBLIC AWARENESS CAMPAIGN.**

5       “(a) NATIONAL CAMPAIGN.—Not later than 2 years  
6 after the enactment of this title, the Administrator shall,  
7 in coordination with other appropriate agencies, establish  
8 a national campaign to increase public awareness concern-  
9 ing the health risks of, and to encourage action to reduce  
10 exposure to, indoor air pollutants. As part of such cam-  
11 paign, the Administrator shall, at a minimum—

12               “(1) publish and disseminate the health  
13 advisories required under subsection (b),

14               “(2) publish and disseminate the technology  
15 bulletins required under subsection (c),

16               “(3) publish and disseminate the list of indoor  
17 air hazards and the guidelines promulgated under  
18 section 2702,

19               “(4) promulgate and disseminate lists of train-  
20 ing providers accredited and contractors certified  
21 under section 2703, and

22               “(5) establish an information clearinghouse in  
23 accordance with subsection (d).

24       “(b) INDOOR AIR POLLUTANT HEALTH  
25 ADVISORIES.—The Administrator shall publish advisory

1 materials addressing the health effects of indoor air pollut-  
2 ants that are likely to occur indoors at concentrations  
3 which may reasonably be anticipated to adversely affect  
4 human health. Such advisory materials shall, at a mini-  
5 mum—

6 “(1) describe the adverse human health effects  
7 of exposure to various concentrations of the indoor  
8 air pollutant, including the risk to subpopulations  
9 which may have higher exposure levels than the av-  
10 erage person or be especially sensitive to exposure to  
11 the indoor air pollutant;

12 “(2) characterize the likely sources of exposure  
13 to the indoor air pollutant; and

14 “(3) establish levels of the indoor air pollutant  
15 at which action should be taken to reduce exposure.

16 The Administrator shall publish not less than 12  
17 advisories within 2 years after the date of the enactment  
18 of this title.

19 “(c) TECHNOLOGY BULLETINS.—The Administrator,  
20 shall publish technology bulletins providing an assessment  
21 of the effectiveness, feasibility, and cost of methods for  
22 measurement and reduction of exposure to indoor air pol-  
23 lutants. At a minimum, the Administrator shall publish  
24 a technology bulletin for an indoor air pollutant concur-

1 rently with the publication of a health advisory for that  
2 pollutant.

3 “(d) INDOOR AIR QUALITY INFORMATION CLEARING-  
4 HOUSE.—The Administrator shall establish a national in-  
5 door air quality clearinghouse to be used to disseminate  
6 indoor air quality information, including the information  
7 referred to in paragraphs (1) through (4) of subsection  
8 (a). The clearinghouse shall operate a toll-free telephone  
9 hotline on indoor air quality to provide the public such  
10 information.

11 **“SEC. 2705. FEDERAL FACILITIES.**

12 “(a) IN GENERAL.—Not later than 2 years after the  
13 enactment of this title, the Administrator shall, in coordi-  
14 nation with other appropriate agencies, establish a pro-  
15 gram to identify, eliminate, and prevent indoor air hazards  
16 in Federal facilities.

17 “(b) OPERATION AND MAINTENANCE.—The program  
18 under subsection (a) shall require the head of each Fed-  
19 eral agency responsible for operation and maintenance of  
20 a Federal facility to operate and maintain facilities oper-  
21 ated by the agency in compliance with the guidelines es-  
22 tablished under section 2702.

23 “(c) NEW FACILITIES.—The program under sub-  
24 section (a) shall require the head of each Federal agency  
25 responsible for the design and construction of a new Fed-

1 eral facility to design and construct the facility in compli-  
2 ance with the guidelines established under section 2702.

3 **“SEC. 2706. HEALTHY BUILDINGS PROGRAM.**

4 “The Administrator shall develop a voluntary, incen-  
5 tive-based program to provide Federal recognition to  
6 buildings that are designed and constructed and operated  
7 and maintained in a manner that prevents indoor air  
8 hazards.

9 **“SEC. 2707. STATE AND LOCAL INDOOR AIR GRANTS.**

10 “(a) IN GENERAL.—The Administrator may provide  
11 grants to States and to local governments to develop and  
12 implement programs to measure and reduce indoor air pol-  
13 lutants, consistent with the national strategy promulgated  
14 under section 2701.

15 “(b) FEDERAL SHARE OF FUNDING.—The Federal  
16 share of grants under this section shall not exceed 75 per-  
17 cent of the costs incurred in developing and implementing  
18 such programs.

19 **“SEC. 2708. INDOOR AIR STUDIES.**

20 “The Administrator, in coordination with other ap-  
21 propriate Federal agencies, may conduct, or provide finan-  
22 cial or other assistance to, studies concerning indoor air  
23 quality, including the following:



1           “(1) Human exposure to indoor air pollutants,  
2           including baseline levels of exposure in various types  
3           of buildings.

4           “(2) The sources of indoor air pollutants.

5           “(3) The effects on human health of indoor air  
6           pollutants, including additive, cumulative, and syner-  
7           gistic effects on the general population and popu-  
8           lations particularly sensitive to indoor air pollutants.

9           “(4) Methods for measuring, reducing, and pre-  
10          venting exposure to indoor air pollutants.

11   **“SEC. 2709. RELATION TO OTHER LAW.**

12          “(a) STATE AND LOCAL AUTHORITY.—Nothing in  
13          this title shall preempt any Federal, State, or local law  
14          or rule of law which is more protective of human health  
15          than this title.

16          “(b) FEDERAL AUTHORITY.—In taking action under  
17          other authority that may affect indoor air quality the Ad-  
18          ministrators shall, to the extent permitted by such other  
19          authority, exercise such authority in a manner that im-  
20          proves indoor air quality and implements the national  
21          strategy promulgated under section 2701.

22   **“SEC. 2710. REPORTS.**

23          “Not later than 2 years after the date of the enact-  
24          ment of this title and every 2 years thereafter, the Admin-  
25          istrator shall submit to the Congress a report on the ac-

1 tivities carried out by the Administrator pursuant to this  
2 title.

3 **“SEC. 2711. ENFORCEMENT.**

4       “(a) CIVIL PENALTIES.—Any person who violates  
5 any requirement in effect under this title, including any  
6 requirement of any regulation, order, accreditation, or cer-  
7 tification issued under this title, shall be in violation of  
8 this title and shall be liable to the United States for a  
9 civil penalty in an amount not to exceed \$10,000 for each  
10 day of violation. The amounts specified in the preceding  
11 sentence shall be adjusted annually for each calendar year  
12 after the calendar year 1993 to account for inflation or  
13 deflation.

14       “(b) CIVIL ACTIONS.—The Administrator may com-  
15 mence a civil action to enjoin any violation of this title  
16 or to assess and recover any civil penalty under subsection  
17 (a) of this section. Any action under this subsection may  
18 be brought in the district court of the United States for  
19 the district in which the violation is alleged to have oc-  
20 curred or in which the defendant resides or has its prin-  
21 cipal place of business, and the court shall have jurisdic-  
22 tion to issue injunctive relief and to assess a civil penalty.

23       “(c) ADMINISTRATIVE ORDERS.—The Administrator  
24 may issue an order to any person requiring such person  
25 to comply with any requirement of this title and the Ad-

1 administrator may, after notice and opportunity for hearing  
2 on the record in accordance with section 554 and 556 of  
3 title 5, United States Code, issue an order assessing a civil  
4 penalty for violation of this title.

5 **“SEC. 2712. CITIZEN SUITS.**

6 “Any person may commence a civil action on such  
7 person’s own behalf against—

8 “(1) any person (including (a) the United  
9 States, and (b) any other governmental instrumen-  
10 tality or agency to the extent permitted by the Elev-  
11 enth Amendment to the Constitution) who is alleged  
12 to have violated or to be in violation of any require-  
13 ment in effect under this title, or

14 “(2) the Administrator or the head of any other  
15 Federal agency where there is an alleged failure of  
16 the Administrator or such other agency head to per-  
17 form any act or duty under this title which is not  
18 discretionary.

19 The district courts shall have jurisdiction, without regard  
20 to the amount in controversy, to enforce such requirement,  
21 to order the Administrator or such other agency head to  
22 perform such act or duty, to apply any appropriate civil  
23 penalties, and to award costs of litigation (including rea-  
24 sonable attorney and expert witness fees) to the party

1 commencing the action whenever the court determines  
2 such award is appropriate.

3 **“SEC. 2713. DEFINITIONS.**

4 “For the purposes of this title:

5 “(1) The term ‘Administrator’ means the Ad-  
6 ministrator of the Environmental Protection Agency.

7 “(2) The term ‘indoor air hazard’ means a level  
8 of indoor air pollutants, or a condition that may re-  
9 sult in a level of indoor air pollutants, that may be  
10 reasonably anticipated to adversely affect human  
11 health. Such conditions may include inadequate ven-  
12 tilation, intake of contaminated ambient air, micro-  
13 bial contamination, and indoor chemical sources.

14 “(3) The term ‘indoor air pollutant’ means any  
15 substance or biological organism which is emitted  
16 into or otherwise enters air other than ambient air.

17 “(4) The term ‘Federal agency’ means any de-  
18 partment, agency, or other instrumentality of the ex-  
19 ecutive, legislative or judicial branches of the Fed-  
20 eral Government, including any independent agency  
21 or establishment of the Federal Government or gov-  
22 ernment corporation.

23 “(5) The term ‘Federal facility’ means any  
24 building or portion of a building owned or operated  
25 by a Federal agency.

1           “(6) The term ‘person’ includes an individual,  
2           a corporation, partnership, association, State, mu-  
3           nicipality, political subdivision of a State, and any  
4           agency, department, or instrumentality of the execu-  
5           tive, legislative or judicial branch of the Government  
6           of the United States or of any State and any officer,  
7           agent or employee thereof.

8           “(7) The term ‘State’ includes the District of  
9           Columbia, Puerto Rico, the Virgin Islands, Guam,  
10          American Samoa, and the Commonwealth of the  
11          Northern Maraiiana Islands.

12   **“SEC. 2714. AUTHORIZATIONS.**

13          “‘There are authorized to be appropriated such sums  
14   as may be necessary to carry out this title.’”.

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